

RECEIVED

JUL 21 '89

EPA-WOO

Office of the Reservation Attorney
QUINAUTL INDIAN NATION
POST OFFICE BOX 189
TAHOLAH, WASHINGTON 98587
(206) 276-8211

To: Joseph B. DeLaCruz, President
From: Richard Reich, Reservation Attorney *R Reich*
Re: Tribal Regulatory Authority Over Quinault Reservation Water Resources
Date: July 19, 1989

You have asked for an opinion on the extent of tribal regulatory authority over the Quinault Indian Reservation's water resources in connection with an application to EPA for treatment as a State pursuant to the Clean Water Act, 33 U.S.C. §1377(e).

The Quinault Indian Nation is a federally recognized Indian tribe governing the Quinault Indian Reservation. 53 F.R. 52829, 52831 (December 29, 1988); see also, P.L. 100-638. The Quinault Reservation was provisionally established in 1861. In 1873 the Reservation was formally established by Presidential Executive Order pursuant to authority contained in the Treaty with the Quinault, 12 Stat. 971. See C. Kappler, I Laws and Treaties, 923 (1904). The Quinault Reservation was recently enlarged through the addition of approximately 12,000 acres of land. P.L. 100-638.

The Solicitor of the Department of the Interior and the Attorney General of the State of Washington have previously expressed opinions on the matter of jurisdiction over the Quinault Reservation's waters. Both concluded that jurisdiction over the Reservation's waters was reserved by the United States exclusively for the Tribe. See Interior Solicitor's Opinion, M-24358 (May 14, 1928), reprinted in, I, Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs 1917 -1974, 202; 1927 - 28 Opinions of the Attorney General of the State of Washington, 783 (June 22, 1928).

The Washington Attorney General's Opinion states:

We believe ownership of [the Quinault Reservation's submerged and submersible lands], and, as incident thereto, jurisdiction over the waters themselves was intended to be reserved by the United States exclusively for the Indians.

1927 - 28 Opinions of the Attorney General of the State of Washington, at 788.

I concur in the views of the Solicitor and Washington Attorney General. It is my opinion that the Quinault Indian Nation possesses full civil regulatory authority over the water resources of the Quinault Indian Reservation. Should you desire a fuller legal analysis of the Quinault Nation's authority, please advise.

Public Law 100-638
100th Congress

An Act

To declare that certain lands be held in trust for the Quinault Indian Nation, and for other purposes.

Nov. 8, 1988
[S. 2752]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF QUINULT INDIAN RESERVATION.

The Quinault Indian Reservation is hereby expanded to include those lands consisting of more or less eleven thousand nine hundred and five acres and generally depicted on the map entitled, "North boundary expansion, Quinault Indian Nation", numbered 88-S2752-1 and dated, September 23, 1988, which shall be on file and available for public inspection in the offices of the Chief, Forest Service, and of the Assistant Secretary for Indian Affairs, Department of the Interior, and of the tribal offices of the Quinault Indian Nation. The boundary of the Olympic National Forest is hereby modified as depicted on the map referred to in this section.

Public
information.

SEC. 2. QUINULT SPECIAL MANAGEMENT AREA.

The Secretary of Agriculture shall—

(a) manage those Federal lands within the boundaries of the Olympic National Forest consisting of more or less five thousand four hundred and sixty acres and generally depicted on the map entitled "Quinault Special Management Area" numbered 88-S2752-2 and dated, September 23, 1988, which shall be on file and available for public inspection in the offices of the Chief, Forest Service, and of the Assistant Secretary for Indian Affairs, Department of the Interior, and of the tribal offices of the Quinault Indian Nation in a manner consistent with section 3; and

Public
information.

(b) shall distribute the proceeds from the sale of forest products on lands referred to in subsection (a) as provided in section 4.

Forests and
forest products.

SEC. 3. ADMINISTRATION OF LANDS.

(a) All right, title, and interest in lands owned by the United States and administered by the United States Forest Service and referred to in section 1, shall hereafter—

(1) be administered by the Secretary of the Interior; and

(2) be held in trust by the United States for the Quinault Indian Nation and to be part of the Quinault Indian Reservation.

(b) All right, title, and interest in lands which are owned by the United States and administered by the United States Forest Service which are referred to in section 2 shall remain in the United States and, except as provided in section 4, shall continue to be administered by the United States Forest Service accordance with all laws, rules and regulations applicable to the national forests.

(c) The rights of the Quinault Indian Nation to revenues under subsection (b) of section 4 shall not affect the management of these lands nor create a trust or fiduciary duty on the Secretary of Agriculture with respect to such management beyond that which the Secretary may have under existing law.

SEC. 4. RECEIPTS FROM NATIONAL FOREST SYSTEM LANDS.

(a) Notwithstanding any other provision of law, the Secretary of Agriculture shall, without further appropriations, receive from the gross proceeds from the sale of forest products from lands referred to in section 2 a reasonable fee not to exceed 10 per centum for preparation and administration of timber sales from such lands.

(b) Notwithstanding the requirements of the Act of March 4, 1907 (16 U.S.C. 499), concerning moneys received from revenues generated from the national forests into the Treasury of the United States, moneys received from the lands referred to in section 2 shall be distributed in the following manner:

(1) 45 per centum of all moneys received during any fiscal year from said land shall be paid into the account referred to in section 8; and

(2) 45 per centum of all moneys received during any fiscal year from said lands shall be paid to the State of Washington pursuant to the Act of May 23, 1908 (C. 192, 35 Stat. 251 as amended; 16 U.S.C. 500).

Washington.

SEC. 5. LIMITATIONS ON TIMBER HARVEST.

(a) The Secretary of the Interior shall not approve any sale of unprocessed timber from lands referred to in section 1 which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which the Secretary determines are surplus to domestic lumber and plywood manufacturing needs.

(b) In addition to restrictions referred to in subsection (a), the Secretary of the Interior shall—

(1) limit the sale of timber from the lands referred to in section 1 to a quantity equal to or less than a quantity which can be removed from such lands annually in perpetuity on a long term sustained-yield basis: *Provided*, That in order to meet overall multiple-use objectives, the Secretary may establish an allowable quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity established pursuant to this section so long as the average sale quantity of timber over the decade covered does not exceed such quantity limitation; and

(2) administer all timber and forest products sold from the lands referred to in section 1 in accordance with the conditions of the Policy Statement for the Grays Harbor sustained yield unit as defined and administered by the Secretary of Agriculture as long as such policy statement remains in effect.

National Forest
System.

SEC. 6. EXISTING RIGHTS-OF-WAY AND OTHER INTERESTS.

The Secretary of Agriculture shall reserve permanent easements for the purpose of continuing access, including public access, to

National F
2110, 2120
segments
the Secret
maintenan

SEC. 7. ACC

(a) The S
of-way thr
Agricultur
the Quinal
and manag
access. Su
Secretary
Agricultur
appropriat

(b) The
through N
Interior, i
Quinault
lands refer
such a man
the Secret
determine

SEC. 8. USE

The Sec
and shall
unprocesse
Secretary

(a) prepar
constr

(b) tim
timber

(c) r
other
Indian
the Se
appropri
presen

(d) f
Indian
extern
any co
thereto

SEC. 9. SAVI

Nothing
(a) t
ties of
the Ol

revenues under
management of these
the Secretary of
beyond that which

LANDS.

aw, the Secretary of
ns, receive from the
om lands referred to
centum for prepara-
h lands.
he Act of March 4,
ived from revenues
asury of the United
to in section 2 shall

and during any fiscal
account referred to in

and during any fiscal
State of Washington
192, 35 Stat. 251 as

approve any sale of
tion 1 which will be
ll be used as a sub-
is exported by the
not apply to specific
which the Secretary
wood manufac-

section (a), the

ands referred to in
n a quantity which
in perpetuity on a
hat in order to meet
ry may establish an
departs from the
hat would otherwise
cade, the Secretary
ual allowable sale
ion so long as the
decade covered does

ducts sold from the
with the conditions
bor sustained yield
Secretary of Agri-
remains in effect.

ESTS.

rmanent easements
g public access, to

National Forest Systems lands on Forest Service roads numbered 21, 2110, 2120, 2130, 2140, 2190, 2191, and all numbered extensions or segments thereof. Such easements shall be in a form acceptable to the Secretary of Agriculture, including provisions for cooperative maintenance.

SEC. 7. ACCESS TO LANDS.

(a) The Secretary of the Interior shall allow such additional rights-of-way through lands referred to in section 1 as the Secretary of Agriculture, in consultation with the Secretary of the Interior and the Quinault Indian Nation, considers necessary to provide access to and management of National Forest System lands, including public access. Such rights-of-way shall be located in such manner as the Secretary of the Interior, in consultation with the Secretary of Agriculture and the Quinault Indian Nation, determines to be appropriate.

(b) The Secretary of Agriculture shall allow such rights-of-way through National Forest System lands as the Secretary of the Interior, in consultation with the Secretary of Agriculture and the Quinault Indian Nation, considers necessary to provide access to lands referred to in section 1. Such rights-of-way shall be located in such a manner as the Secretary of Agriculture, in consultation with the Secretary of the Interior and the Quinault Indian Nation determines to be appropriate.

National Forest
System

SEC. 8. USE OF TIMBER SALE PROCEEDS.

The Secretary of the Interior shall maintain a segregated account and shall deposit in such account all funds derived from the sale of unprocessed timber from the lands referred to in section 1. The Secretary shall make such funds available only for—

(a) costs incurred by the Quinault Indian Nation for the preparation and administration of timber sales, including road construction and maintenance on such lands;

(b) the mitigation of any adverse environmental impacts from timber harvest activities on such lands;

(c) reforestation of any lands referred to in section 1 or any other lands within the external boundaries of the Quinault Indian Reservation: *Provided*, That nothing herein shall allow the Secretary of the Interior to substitute these funds for other appropriated funds or for forest management deductions, funds presently available for reforestation; or

(d) for the purchase from willing sellers by the Quinault Indian Nation of any lands or interests in lands within the external boundaries of the Quinault Indian Reservation and any costs incurred by the Quinault Indian Nation incident thereto.

Environmental
protection.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act is intended to affect or modify—

(a) the proportional distribution shares of the respective counties of receipts from the sale of timber in the remaining lands of the Olympic National Forest;

(b) any property rights which may exist within the exterior boundaries of the Quinault Indian Reservation as it existed prior to enactment of this Act; and

(c) any valid existing rights-of-way, leases or permits of the Secretary of Agriculture or any person or entity in any of the lands referred to in section 1.

Approved November 8, 1988.

LEGISLATIVE HISTORY:—S. 2752 (H.R. 5203):

HOUSE REPORTS: No. 100-1000, Pt. 1, accompanying H.R. 5203 (Comm. on Interior and Insular Affairs).

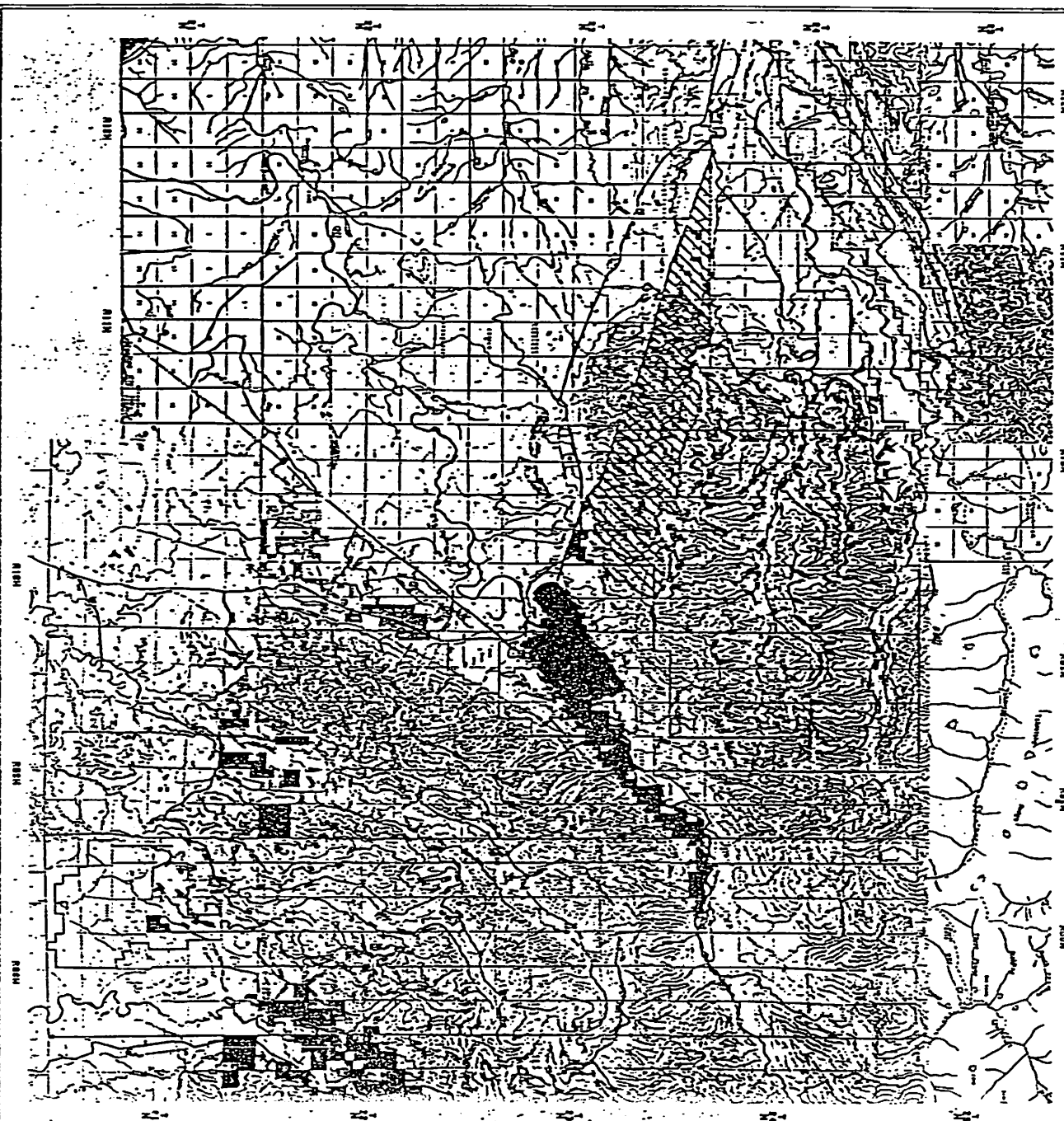
SENATE REPORTS: No. 100-582 (Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 7, considered and passed Senate.

Oct. 19, considered and passed House.

○



NORTH BOUNDARY EXPANSION
QUINAUT INDIAN NATION

MAP NO. 68-S2752-1
SEPTEMBER 23, 1968

LEGEND
ZZZ EXPANSION
A11EA



Kimberly Cline

EXECUTIVE MANSION, *November 4, 1873.*

In accordance with the provisions of the treaty with the Quinaielt and Quillehute Indians, concluded July 1, 1855, and January 23, 1856 (Stats. at Large, vol. 12, p. 971), and to provide for other Indians in that locality, it is hereby ordered that the following tract of country in Washington Territory (which tract includes the reserve selected by W. W. Miller, superintendent of Indian affairs for Washington Territory, and surveyed by A. C. Smith, under contract of September 16, 1861) be withdrawn from sale and set apart for the use of the Quinaielt, Quillehute, Hoh, Quit, and other tribes of fish-eating Indians on the Pacific coast, viz: Commencing on the Pacific coast at the southwest corner of the present reservation, as established by Mr. Smith in his survey under contract with Superintendent Miller, dated September 16, 1861: thence due east, and with the line of said survey, 5 miles to the southeast corner of said reserve thus established: thence in a direct line to the most southerly end of Quinaielt Lake: thence northerly around the east shore of said lake to the northwest point thereof; thence in a direct line to a point a half mile north of the Queetshee River and 3 miles above its mouth; thence with the course of said river to a point on the Pacific coast, at low-water mark, a half mile above the mouth of said river; thence southerly, at low-water mark, along the Pacific to the place of beginning.

U. S. GRANT.

only to Alaska, authorized groups to organize as tribes which are not historical tribes and are not residing on reservations. They include groups having a "common bond of occupation or association, or residence within a well-defined neighborhood, community, or rural district." 25 U.S.C. § 473a. More recently, Indian statutes, such as the Indian Self-Determination Act,¹ specifically include Alaska Native villages, village corporations and regional corporations defined or established under the Alaska Native Claims Settlement Act (ANCSA).

Therefore, this list includes all of the Alaska entities meeting any of the following criteria which are used in one or more Federal statutes for the benefit of Alaska Natives:

1. "Tribes" as defined or established under the Indian Reorganization Act as supplemented by the Alaska Native Act.
2. Alaska Native Villages defined in or established pursuant to the Alaska Native Claims Settlement Act (ANCSA).²
3. Village corporations defined in or established pursuant to ANCSA.
4. Regional corporations defined in or established pursuant to ANCSA.
5. Urban corporations defined in or established pursuant to ANCSA.
6. Alaska Native groups defined in or established pursuant to ANCSA.
7. Alaska Native group corporations defined in or established pursuant to ANCSA.
8. Alaska Native entities that receive assistance from the Bureau in matters relating to the settlement of claims against the United States government, such as in the Act of June 19, 1935, Pub. L. 74-152, as amended by the Act of August 19, 1965, Pub. L. 89-190 and
9. Tribes which have petitioned to be acknowledged and have been determined to exist as tribes pursuant to 25 CFR Part 83.

Any Alaska village or entity not listed herein may still seek to obtain Federal Acknowledgment by following the procedures in 25 CFR Part 83 or may be

added to the list by demonstrating that they meet one of the nine criteria above.

We are concerned, however, that applying the criteria presently contained in Part 83 to Alaska may be unduly burdensome for the many small Alaska organizations. Alaska, with small pockets of Natives living in isolated locations scattered throughout the state, may not have extensive documentation on its history during the 1800's and early 1900's much less the even earlier periods commonly researched for groups in the lower-48. While it is fair to require groups in the lower-48 states to produce such documentation because they are located in areas where no group could exist without being the subject of detailed written records, insistence on the same formality for those Alaska groups might penalize them simply for being located in an area that was, until recently, extremely isolated. Consequently, the Bureau, in consultation with Indians and Alaska Natives, will review the present acknowledgment process to determine if a modified process is needed so that Alaska organizations may seek inclusion on the list of entities recognized and eligible for services without using the present procedure which may be unduly burdensome.

Other Federal agencies should be aware that some statutes authorize the government to serve other organizations which are not listed while others specify only some of the criteria listed above. Therefore, each agency must look at its particular statutory authorities to make a final eligibility determination.

Afognak
 Ahkiok-Kaguyak Native Corp.
 AHTNA, Inc. (Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta & Tazlina)
 AHTNA, Incorporated
 Akhiok
 Akiachak, Ltd.
 Akiachak
 Akiachak, Akiachak Native Community
 Akiak
 Akiak Native Community
 Akutan Corp.
 Akutan
 Alakanuk Native Corp.
 Alakanuk
 Alaska Peninsula Corporation (Kokhanok, Newhalen, Port Heiden, South Naknek & Ugashik)
 Alaina
 Aleknagik (aka Aleknagik)
 Aleknagik Natives, Ltd.
 Aleut Corporation
 Alexander Creek
 Alexander Creek, Inc.
 Allakaket
 Ambler
 Anaktuvuk Pass
 Andreafsey
 Angoon Community Association

Angoon
 Aniak
 Anton Larsen, Inc.
 Anvik
 Arctic Village
 Arctic Slope Regional Corporation
 ARVIQ, Inc. (Platinum)
 Askinuk Corp. (Scammon Bay)
 Atka
 Atka, Native Village of Atka
 Atkasook Corp.
 Atkasook
 Atmautluak, Ltd.
 Atmautluak
 Atxam Corp. (Atka)
 Ayakulik
 Ayakulik, Inc.
 Azachorok, Inc. (Mountain Village)
 Baan-o-yeel kon Corp. (Rampart)
 Barrow
 Bay View, Inc. (Ivanof Bay)
 Bean Ridge Corp. (Manley Hot Springs)
 Beaver Kwit'chin Corp.
 Beaver
 Becharof Corp. (Egegik)
 Belkofski Corp.
 Belkofsky (aka Belkofski)
 Bells Flats Natives, Inc.
 Bells Flats
 Bering Straits Native Corporation
 Bethel (aka Orutsararmiut)
 Bethel Native Corp.
 Bill Moore's (aka Bill Moore's Slough)
 Birch Creek
 Brevig Mission Native Corp.
 Brevig Mission
 Bristol Bay Native Corporation
 Buckland, Native Village of Buckland
 Buckland
 Calista Corporation
 Candle
 Cantwell
 Canyon Village
 Cape Fox Corporation (Saxman)
 Caswell Native Association
 Caswell
 Central Council of Tlingit and Haida Indian Tribes of Alaska
 Chalkyitsik
 Chalkyitsik Native Corp.
 Chaloonawick
 Chaluka Corp. (Nikolski)
 Chanega, Native Village of Chanega
 Chanilut
 Chefarmute, Inc. (Cheformak)
 Chenega Corporation
 Cherformak
 Chevak
 Chevak Company Corp.
 Chickaloon
 Chickaloon Moore Creek Native Association, Inc.
 Chignik Lagoon Native Corp.
 Chignik
 Chignik Lake
 Chignik Lagoon
 Chignik River, Limited (Chignik Lake)
 Chilkat Indian Village of Klukwan
 Chilkoot Indian Association of Haines
 Chistochina
 Chitina
 Chitina Native Corp.
 Choggiung, Ltd. (Dillingham, Ekuk, Portage Creek)
 Chuathbaluk

¹ For purposes of the Indian Self-Determination Act, Indian tribe is defined to include "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. . . . This definition includes criteria 1, 2, 3, 4 and 9."

² ANCSA defines a Native village as: "any tribe, band, clan, group, village, community or association in Alaska listed in [43 U.S.C. 1610 or 1615], or which meets the requirements of this chapter, and which the Secretary determines was composed of twenty-five or more Natives." 43 U.S.C. 1602(c).

Chugach Alaska Corporation
 Chuloonawick Corporation
 Circle
 Clark's Point
 Cook Inlet Region, Inc.
 Copper Center
 Council
 Council Native Corporation
 Craig
 Craig Community Association
 Crooked Creek
 Cully Corp. (Point Lay)
 Danzhit Hanlani Corporation (Circle)
 Deering Native Village of Deering
 Deering
 Deloycheet, Inc. (Holy Cross)
 Dillingham
 Dineega Corporation (Ruby)
 Dinees Corporation (Stevens)
 Diomede, Native Village of Diomede (aka Inalik)
 Diomede Native Corporation
 Dot Lake
 Dot Lake Native Corporation
 Douglas Indian Association
 Doyon, Limited
 Eagle
 Eek
 Egegik
 Eklutna, Inc.
 Eklutna
 Ekuk
 Ekwo
 Ekwo Natives, Ltd.
 Elim Native Corporation
 Elim
 Elim, Native Village of Elim
 Emmonak Corporation
 Emmonak
 English Bay
 English Bay Corporation
 Evanville
 Evanville, Inc.
 Eyak Corporation
 Eyak
 False Pass
 Far West, Inc. (Chignik)
 Fort Yukon, Native Village of Fort Yukon
 Fort Yukon
 Gakona
 Galena
 Gambell
 Gambell, Native Village of Gambell
 Gana-Yoo, Limited (Galena, Kaltag, Koyukuk & Nulato)
 Georgetown
 Gold Creek-Susitna
 Gold Creek-Susitna, Inc.
 Goldbelt, Inc. (Juneau)
 Golovin Native Corporation
 Golovin
 Goodnews Bay
 Grayling
 Grayling, Organized Village of Grayling (aka Holikachuk)
 Gulkana
 Gwitchyaa Zhee Corporation (Fort Yukon)
 Haida Corporation (Hydaburg)
 Hamilton
 Healy Lake
 Hee-yea-lindge Corporation (Grayling)
 Holy Cross
 Hoonah Indian Association
 Hooper Bay
 Hughes
 Huna Totem (Hoonah)

Hungwitchin Corporation (Eagle)
 Hualia
 Hydaburg
 Hydaburg Cooperative Association
 Igiugig Native Corporation
 Igiugig
 Iliamna Natives, Ltd.
 Iliamna
 Inalik (aka Diomede)
 Inalik, Inc. (Anvik)
 Inupiat Community of the Arctic Slope
 Iqijouaq Company (Eek)
 Isanotski Corporation (False Pass)
 Ivanof Bay
 K'oyit'ots'ina, Ltd. (Alatna, Allakaket, Hughes & Hualia)
 Kaguyak
 Kake, Organized Village of Kake
 Kake Tribal Corporation
 Kake
 Kaktovik Inupiat Corporation
 Kaktovik
 Kalaskag
 Kaltag
 Kanatak, Native Village of Kanatak
 Karluk, Native Village of Karluk
 Karluk
 Kasaan, Organized Village of Kasaan
 Kasaan
 Kasigluk, Inc.
 Kasigluk
 Kavilco, Inc. (Kasaan)
 Kenai Native Association, Inc.
 Kenaitze Indian Tribe
 Ketchikan Indian Corporation
 Kiana
 Kiantree (Canyon Village)
 Kijik Corporation (Nondalton)
 Kikiktatruk Inupiat Corporation (Kotzebue)
 King Island Native Community
 King Island Native Corporation
 King Cove
 King Cove Corporation
 Kipnuk
 Klutsarak, Inc. (Goodnews Bay)
 Kivalina, Native Village of Kivalina
 Kivalina
 Klawock Cooperative Association
 Klawock
 Klawock Heenya
 Klukwan, Inc.
 Knik
 Knikatu, Inc. (Knik)
 Kobuk
 Kokarmiut Corporation (Akiak)
 Kokhanok
 Koliganek
 Koliganek Natives, Ltd.
 Kongiganak
 Kongnikilnomiut Yuita Corporation (Bill Moore's)
 Koniag, Incorporated
 Koniag, Inc. (Karluk & Larsen Bay)
 Kootznoowo, Inc. (Angoon)
 Kotlik Yupik Corporation
 Kotlik
 Kotzebue
 Kotzebue, Native Village of Kotzebue
 Koyuk
 Koyuk Native Corporation
 Koyuk, Native Village of Koyuk
 Koyukuk
 Kugakilik, Ltd. (Kipnuk)
 Kuskokwim Native Corporation (Aniak, Chuathbaluk, Crooked Creek, Georgetown, Lower Kalska, Red Devil, Napaimute, Sleetmute, Stony River, Upper Kalskag)

Kuugpik Corporation (Nooikaut)
 Kwethluk, Organized Village of Kwethluk
 Kwethluk, Incorporated
 Kwethluk
 Kwigillingok, Native Village of Kwigillingok
 Kwigillingok
 Kwik, Inc. (Kwigillingok)
 Kwinhagak, Native Village of Kwinhagak (aka Quinhagak)
 Larsen Bay
 Leisnoi, Inc. (Woody Island)
 Levelock, Natives, Ltd.
 Levelock
 Lime Village
 Lime Village Company
 Litnik
 Litnik, Inc.
 Lower Kalskag
 Manley Hot Springs
 Manokotak Natives, Ltd.
 Manokotak
 Marshall
 Mary's Igloo
 Mary's Igloo Native Corporation
 Maserculiq, Inc. (Marshall)
 McGrath
 Mekoryuk, Native Village of Mekoryuk, Island of Nunivak
 Mekoryuk
 Mendas Chaag Native Corporation (Healy Lake)
 Mentasta Lake
 Metlakatla Indian Community, Annette Island Reserve
 Minto
 Minto, Native Village of Minto
 Montana Creek Native Association
 Montana Creek
 Mountain Village
 MTNT, Ltd. (McGrath, Nikolai, Takotna & Telida)
 Nagamut
 Nagamut
 Naknek
 NANA Regional Corporation (Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Noatak, Noorvik, Selawik, & Shungnak)
 Napaimute
 Napakiak Corporation
 Napakiak Native Village of Napakiak
 Napakiak
 Napakiak
 Napakiak Corporation
 Natives of Kodiak
 Natives of Afognak, Inc. (Afognak & Port Lions)
 Neets' ai Corporation (Arctic Village)
 Nelson Lagoon
 Nelson Lagoon Corporation
 Nenana
 Nerklukmte Native Corporation (Andreafski)
 New Stuyahok
 Newhalen
 Newtok
 Newtok Corporation
 NGTA, Inc. (Nightmute)
 Nightmute
 Nikolai
 Nikolski
 Nikolski, Native Village of Nikolski
 Nima Corporation (Mekoryuk)
 Ninilchik
 Ninilchik Native Association
 Noatak
 Noatak, Native Village of Noatak

Nome Eskimo Community
 Nome (aka Nome Eskimo)
 Nondalton
 Nookkaut (aka Nuiqsut)
 Noorvik Native Community
 Noorvik
 Northway
 Northway Natives, Inc.
 Nulato
 Nunakauiak Yupik Corporation (Tooksook Bay)
 Nunamiut Corporation (Anaktuvuk Pass)
 Nunapiglluraq Corporation (Hamilton)
 Nunapitchuk
 Nunapitchuk, Ltd.
 Nunapitchuk, Native Village of Nunapitchuk
 Oceanside Corporation (Perryville)
 OHOG, Inc. (Ohogamlut)
 Ohogamlut
 Old Harbor
 Old Harbor Native Corporation
 Olgoonik Corporation (Wainwright)
 Olsonville
 Olsonville
 Oscarville
 Oscarville Native Corporation
 Ounashka Corporation (Unalakleet)
 Ouzinkie Native Corporation
 Ouzinkie
 Palmiut Corporation
 Palmiut
 Paug-vik, Incorporated, Ltd. (Naknek)
 Pauloff Harbor
 Pedro Bay
 Pedro Bay Native Corporation
 Perryville
 Perryville, Native Village of Perryville
 Petersburg Indian Association
 Pilot Point
 Pilot Station
 Pilot Point Native Corporation
 Pilot Station, Inc.
 Pitka's Point
 Pitka's Point Native Corporation
 Platinum
 Point Hope
 Point Lay
 Point Hope, Native Village of Point Hope
 Point Possession, Inc.
 Point Lay, Native Village of Point Lay
 Point Possession
 Port Heiden (Meshick)
 Port Lions
 Port Graham
 Port Alsworth
 Port Graham Corporation
 Port Williams (Shuyak)
 Portage Creek (Ohgsenakale)
 Pribilof Aleut Communities of St. Paul & St. George Islands
 Qanirtuq, Inc. (Quinhagak aka Kwinhagak)
 Qemirtalek Coast Corporation (Kongiganak)
 Quinhagak (aka Kwinhagak)
 Rampart
 Red Devil
 Ruby
 Russian Mission or Chauthalua (Kuskokwim)
 Russian Mission (Yukon)
 Russian Mission Native Corporation
 Saguyak, Inc. (Clark's Point)
 Salamatof Native Association, Inc.
 Salamatof
 Sanak Corporation (Pauloff Harbor)
 Sand Point
 Savoonga
 Savoonga Native Corporation

Savoonga, Native Village of Savoonga
 Saxman, Organized Village of Saxman
 Saxman
 Scammon Bay
 Sea Lion Corporation (Hooper Bay)
 Sealaska Corporation
 Selawik
 Selawik, Native Village of Selawik
 Seldovia Native Association, Inc.
 Seldovia
 Seth-de-ya-sh Corporation (Minto)
 Shean-Seet, Inc. (Craig)
 Shageluk Native Village
 Shageluk
 Shaktoolik, Native Village of Shaktoolik
 Shaktoolik Native Corporation
 Shaktoolik
 Shee Atika, Inc. (Sitka)
 Sheldon's Point
 Shishmaref, Native Village of Shishmaref
 Shishmaref
 Shishmaref Native Corporation
 Shumagin Corporation (Sand Point)
 Shungnak
 Shungnak, Native Village of Shungnak
 Shuyak, Inc. (Port Williams)
 Sitka Community Association
 Sitnasuak Native Corporation (Nome)
 Sleetmute
 Solomon Native Corporation
 Solomon
 South Naknek
 St. George Tanag Corporation
 St. Mary's Native Corporation
 St. Michael, Native Village of St. Michael
 St. Michael Native Corporation
 St. George
 St. Mary's (aka Algaaciq)
 St. Michael
 St. Paul
 Stebbins Native Corporation
 Stebbins Community Association
 Stebbins
 Stevens Village
 Stevens, Native Village of Stevens
 Stony River
 Stuyahok, Ltd. (New Stuyahok)
 Swan Lake Corporation (Sheldon's Point)
 Takotna
 Tanacross, Inc.
 Tanacross
 Tanacross, Native Village of Tanacross
 Tanadgusix Corporation (St. Paul)
 Tanalian, Inc. (Port Alsworth)
 Tanana
 Tanana, Native Village of Tanana
 Tatitlek
 Tatitlek Corporation
 Tatitlek, Native Village of Tatitlek
 Tazlina
 Teller
 Teller
 Teller Native Corporation
 Tetlin
 Tetlin, Native Village of Tetlin
 Tetlin Native Corporation
 Thirteenth Regional Corporation
 Tigara Corporation (Point Hope)
 Tibtest'All, Inc. (Birch Creek)
 Toghotele Corporation (Nenana)
 Togliak Natives, Ltd.
 Togliak
 Toksook Bay
 Tozitna, Ltd. (Tanana)
 Tulkisarmute, Inc. (Tuluksak)
 Tuluksak Native Community

Tuluksak
 Tuntutuliak
 Tuntutuliak Land, Ltd.
 Tununak
 Tununak, Native Village of Tununak
 Tununmiut Rinit Corporation (Tununak)
 Twin Hills
 Twin Hills Native Corporation
 Tyonek, Native Village of Tyonek
 Tyonek
 Tyonek Native Corporation
 Uganik Natives, Inc.
 Uganik
 Ugashek
 Ukpeagvik Inupiat Corporation (Barrow)
 Umkumut, Ltd.
 Umkumut
 Unalakleet
 Unalakleet, Native Village of Unalakleet
 Unalakleet Native Corporation
 Unalakleet
 Unga
 Unga Corporation
 Upper Kalsag
 Uyak
 Uyak Natives, Inc.
 Venetie, Native Village of Venetie
 Venetie
 Wainwright
 Wales Native Corporation
 Wales
 Wales, Native Village of Wales
 White Mountain, Native Village of White Mountain
 White Mountain Native Corporation
 White Mountain
 Woody Island
 Wrangell Cooperative Association
 Yak-tat Kwaan, Inc. (Yakutat)
 Yakutat
 Zho-Tse, Inc. (Shageluk)
 Rose O. Swimmer,
Assistant Secretary, Indian Affairs.
 [FR Doc. 88-29990 Filed 12-29-88; 8:45 am]
 BILLING CODE 4310-09-01

Attachment A.

Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Notice.

SUMMARY: Notice is hereby given that the annual update of the list of entities recognized and eligible for funding and services from the Bureau of Indian Affairs is published pursuant to 25 CFR Part 83.

FOR FURTHER INFORMATION CONTACT: Bureau of Indian Affairs, Division of Tribal Government Services, 18th & C Streets NW, Washington, DC 20240, telephone number: (202) 343-7445.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated to the Assistant Secretary-Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Indian Tribal Entities* Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma

Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California

Ak Chin Indian Community of Papago Indians of the Maricopa, Ak Chin Reservation, Arizona

Alabama and Coushatta Tribes of Texas
Alabama-Quassarte Tribal Town of the Creek Nation of Oklahoma

Alturas Rancheria of Pit River Indians of California

Apache Tribe of Oklahoma

Arapahoe Tribe of the Wind River Reservation, Wyoming

Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana

Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California

Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin

Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan

Berry Creek Rancheria of Maidu Indians of California

Big Lagoon Rancheria of Smith River Indians of California

Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California

Big Sandy Rancheria of Mono Indians of California

Big Valley Rancheria of Pomo & Pit River Indians of California

Blackfeet Tribe of the Blackfeet Indian Reservation of Montana

Blue Lake Rancheria of California

* Includes within its meaning Indian tribes, bands, villages, communities and pueblos as well as Alaska Native entities.

RECEIVED

JAN - 9 1989

BRANCH OF TRIBAL OPERATIONS
BUREAU OF INDIAN AFFAIRS

- Bridgeport Paiute Indian Colony of California
Buena Vista Rancheria of Me-Wuk Indians of California
Burns Paiute Indian Colony, Oregon
Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Indian Tribe of Oklahoma
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
Cahto Indian Tribe of the Laytonville Rancheria, California
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Capitan Grande Band of Diegueno Mission Indians of California:
Barona Group of the Barona Reservation, California
Viejas Group of the Viejas Reservation, California
Cauyga Nation of New York
Cedarville Rancheria of Northern Paiute Indians of California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation of Oklahoma
Cheyenne-Arapaho Tribes of Oklahoma
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Chickasaw Nation of Oklahoma
Chicken Ranch Rancheria of Me-Wuk Indians of California
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Chitimacha Tribe of Louisiana
Choctaw Nation of Oklahoma
Citizen Band Potawatomi Indian Tribe of Oklahoma
Cloverdale Rancheria of Pomo Indians of California
Coast Indian Community of Yurok Indians of the Resighini Rancheria, California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
Comanche Indian Tribe of Oklahoma
Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
Confederated Tribes of the Chehalis Reservation, Washington
Confederated Tribes of the Colville Reservation, Washington
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indian of Oregon
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of the Siletz Reservation, Oregon
Confederated Tribes of the Umatilla Reservation, Oregon
Confederated Tribes of the Warm Springs Reservation of Oregon
Confederated Tribes of the Bands of the Yakima Indian Nation of the Yakima Reservation, Washington
- Cortina Indian Rancheria of Wintun Indians of California
Coushatta Tribe of Louisiana
Covelo Indian Community of the Round Valley Reservation, California
Cow Creek Band of Umpqua Indians of Oregon
Coyote Valley Band of Pomo Indians of California
Creek Nation of Oklahoma
Crow Tribe of Montana
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Coyapaipa Community of Diegueno Mission Indians of the Coyapaipa Reservation, California
Death Valley Timbi-She Shoshone Band of California
Delaware Tribe of Western Oklahoma
Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota
Dry Creek Rancheria of Pomo Indians of California
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
Eastern Band of Cherokee Indians of North Carolina
Eastern Shawnee Tribe of Oklahoma
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
Elk Valley Rancheria of Smith River Tolowa Indians of California
Ely Indian Colony of Nevada
Enterprise Rancheria of Maidu Indian of California
Flandreau Santee Tribe of South Dakota
Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Fort Bidwell Indian Community of Paiute Indians of the Fort Bidwell Reservation, California
Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada
Fort McDowell Mohave-Apache Indian Community of the Fort McDowell Indian Reservation, Arizona
Fort Mojave Indian Tribe of Arizona
Fort Sill Apache Tribe of Oklahoma
Gay Head Wampanoag Indians of Massachusetts
Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation of Arizona
Grand Traverse Band of Ottawa & Chippewa Indians of Michigan
Greenville Rancheria of Maidu Indians of California
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
Hannahville Indian Community of Wisconsin Potawatomi Indians of Michigan
Havasupai Tribe of the Havasupai Reservation, Arizona
Hoh Indian Tribe of the Hoh Indian Reservation, Washington
Hoopa Valley Tribe of the Hoopa Valley Reservation, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians of the Hopland Rancheria, California
- Houlton Band of Maliseet Indians of Maine
Hualapai Tribe of the Hualapai Indian Reservation, California
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
Iowa Tribe of Kansas and Nebraska
Iowa Tribe of Oklahoma
Jackson Rancheria of Me-Wuk Indians of California
Jamestown Klamath Tribe of Washington
Jamul Indian Village of California
Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Kalispel Indian Community of the Kalispel Reservation, Washington
Karuk Tribe of California
Kashia Band of Pomo Indians of the Stewart Point Rancheria, California
Kaw Indian Tribe of Oklahoma
Keweenaw Bay Indian Community of L'Anse and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan
Kialagee Tribal Town of the Creek Indian Nation of Oklahoma
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Kickapoo Tribe of Oklahoma (includes Texas Band of Kickapoo Indians)
Kiowa Indian Tribe of Oklahoma
Klamath Indian Tribe of Oregon
Kootenai Tribe of Idaho
La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation, California
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington
Lower Sioux Indian Community of Minnesota
Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota
Lummi Tribe of the Lummi Reservation, Washington
Makah Indian Tribe of the Makah Indian Reservation, Washington
Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
Mashantucket Pequot Tribe of Connecticut
Menominee Indian Tribe of Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California

Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
 Tohono O'odham Nation of Arizona (formerly known as the Papago Tribe of the Sells, Gila Bend & San Xavier Reservation, Arizona)
 Tonawanda Band of Seneca Indians of New York
 Tonkawa Tribe of Indians of Oklahoma
 Tonto Apache Tribe of Arizona
 Torres-Martinez Band of Cahuilla Mission Indians of California
 Tule River Indian Tribe of the Tule River Reservation, California
 Tulalip Tribes of the Tulalip Reservation, Washington
 Tunica-Biloxi Indian Tribe of Louisiana
 Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
 Turtle Mountain Band of Chippewa Indians of North Dakota
 Tuscarora Nation of New York
 Twenty-Nine Palms Band of Luiseno Mission Indians of California
 United Keetoowah Band of Cherokee Indians, Oklahoma
 Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California
 Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota
 Upper Skagit Indian Tribe of Washington
 Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
 Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
 Utu Utu Gwaitsu Paiute Tribe of the Benton Paiute Reservation, California
 Walker River Paiute Tribe of the Walker River Reservation, California
 Washoe Tribe of Nevada & California (Carson Colony, Dresslerville & Washoe Ranches)
 White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
 Wichita Indian Tribe of Oklahoma
 Winnebago Tribe of Nebraska
 Winnemucca Indian Colony of Nevada
 Wisconsin Winnebago Indian Tribe of Wisconsin
 Wyandotte Tribe of Oklahoma
 Yankton Sioux Tribe of South Dakota
 Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona
 Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona
 Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
 Yomba Shoshone Tribe of the Yomba Reservation, Nevada
 Ysleta Del Sur Pueblo of Texas
 Yurok Tribe of the Hoopa Valley Reservation, California
 Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

The following are those Alaska entities which are recognized and eligible to receive funding and services from the Bureau of Indian Affairs. The purpose of this updated list is: (1) To comply with the regulatory requirement

of annual publication pursuant to 25 CFR Part 83, (2) to reflect the Alaska entities which are statutorily eligible for funding and services from the Bureau of Indian Affairs, (3) to make it easier for previously unlisted, but statutorily eligible, entities to receive funding and services, and in so doing, (4) to describe the criteria used for inclusion on the list and for making additions.

All of the entities previously listed in the 1986 Federal Register publication are included in this list. However, the number of entities listed on the Alaska Native Entities section is approximately doubled on the basis of express Congressional recognition of the types of entities in Alaska eligible to receive funding or services from the Bureau of Indian Affairs. The additional entities are included without the necessity of completing the Federal Acknowledgment Process because of more explicit statutory provisions on groups eligible to receive funding and services on behalf of Alaska Natives.

The Federal Acknowledgment Procedures contained in 25 CFR Part 83 set forth a procedure whereby Indian groups may document their existence as tribes with a special relationship to the United States such as to qualify for funding and services as an "Indian tribe, organized band, pueblo or community." Section 83.6(b) requires that the Secretary publish a list of Indian tribes already recognized and receiving funding and services from the Department, groups to which the Federal Acknowledgment Procedures accordingly do not apply. This list is published pursuant to § 83.6(b).

The Department first published a list of Indian Tribal Entities on February 6, 1979, with the notation that "[t]he list of eligible Alaskan entities will be published at a later date." Subsequently, the Department published an updated list on November 24, 1982, to which it appended a list of "Alaska Native Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs." The preamble which described the scope and purpose of the Alaska list stated "[w]hile eligibility for services administered by the Bureau of Indian Affairs is generally limited to historical tribes and communities of Indians residing on reservations, and their members, unique circumstances have made eligible additional entities in Alaska which are not historical tribes. Such circumstances have resulted in multiple, overlapping eligibility of Native entities in Alaska. To alleviate any confusion which might arise from publication of a multiple eligibility listing, the following preliminary list shows those entities to

which the Bureau of Indian Affairs gives priority for purposes of funding and services." 47 FR 53133-53134 (1982). This preamble was inadvertently dropped from the subsequent lists.

A number of Alaska Native Entities have complained to the Department that they were omitted from previous lists despite the fact that they are receiving funding and services from the Bureau of Indian Affairs and qualify for such under the statutes that have established the programs of the Bureau. Some do not believe they should have to submit all of the documentation required of an Indian tribe under Part 83 to continue to receive benefits previously provided. Other departments have also made inquiry about the eligibility for their programs of entities included on or omitted from the 1982 Alaska Native Entities List. In addition, there has been confusion on whether inclusion on or exclusion from the Alaska Native Entities List constitutes an official determination of the United States government as to the governmental powers of particular Alaska villages or entities over non-members or territory.

The Department agrees that Alaska Native entities which satisfy the criteria listed below, and therefore are specifically eligible for the funding and services of the Bureau by statute, should not have to undertake to obtain Federal Acknowledgment pursuant to Part 83. We agree they should be included in the publication required by § 83.6(b) without further review.

However, inclusion on a list of entities already receiving and eligible for Bureau funding and services does not constitute a determination that the entity either would or would not qualify for Federal Acknowledgment under the regulations, but only that no such effort is necessary in order to preserve eligibility. Furthermore, inclusion on or exclusion from this list of any entity should not be construed to be a determination by this Department as to the extent of the powers and authority of that entity.

The principal demand by the Bureau and other federal agencies is for a list of organizations which are eligible for their funding and services based on their inclusion in categories frequently mentioned in statutes concerning federal programs for Indians. General federal Indian statutes provide that the Bureau serve tribes which are usually defined as "any Indian Tribe, band, nation, rancheria, pueblo, colony or community." With respect to Alaska, Congress has provided additional guidance as to whom we should provide services. The 1936 amendments to the Indian Reorganization Act, applicable